

From: Bill Toner
To: Microsoft ATR
Date: 11/17/01 10:37am
Subject: Microsoft trial comments

I see the DOJ has set up this email for comments on the Microsoft antitrust trial.

I have to say that I'm disappointed with the settlement agreement made. The discussions I've seen find many loopholes for MS to get around just about all restrictions should they desire to do so. And their use of the loophole on the 1994/1995 consent decree banning the bundling of Windows 95 and Internet Explorer show that they'll use all the sneaky tricks they possibly can.

I myself had hoped for a three-way split in the company, for Operating System, Internet stuff (MSN, Internet Explorer, and other tools that aren't useful without internet connection) and applications (Word, Excel, video/music players like Media Player, encyclopedias, etc. that aren't significantly internet related or absolutely required to run a computer). The two-way split suggested by Judge Thomas Penfield Jackson, as it would let the "other stuff" company bundle applications and the internet together, which could still have forced people dependent on Word and Excel for work to become dependent on Internet Explorer and the MSN network, which could hurt other internet service providers, especially the smaller companies that serve a particular town or city only. The small town I grew up in has such small "mom & pop" ISP company, and if they were to lose business due to shady forced dependencies on MSN, the whole town would be screwed, as there are no local MSN or AOL connection phone numbers, and we'd all then be forced to pay long-distance toll telephone charges to connect. I imagine there are a lot of similar small towns across the nation.

I believe that the DOJ's case could have accomplished more if you had not concentrated so much on the MSIE vs Netscape issue and nearly ignored many other relevant issues. MS hijacked the Kerberos networking protocol, modifying it to be incompatible with non-MS products specifically to insure customers would be forced into using MS products together and force them away from Unix or other non-MS platforms that have very important uses. MS stole the name "Internet Explorer" product name from a small company that had registered the trademark or copyright or whatever covers this issue in their state, and was waiting for their federal application to be processed. MS sued and appealed until this small company could no longer afford to try and protect their registered product name and was forced into bankruptcy, MS won. MS's case was based on the argument that "internet explorer" is too generic a term to trademark or copyright. But if I were to start selling another software product of any kind, I bet you my house that MS would sue me out of existence.

And I cannot fathom how MS gets away with their claim of "innovation". They've either bought or stolen 99% of their products from other developers. Windows

was of course stolen from Apple, who themselves finangled it from Xerox. Internet Explorer was bought from another developer, perhaps the entire company was bought. Flight Simulator was bought. There is a gian list of such MS "innovations" at <http://www.vcnet.com/bms/departments/catalog/index.shtml> There is an interesting discussion of what software concepts were "innovated" by MS at <http://www.vcnet.com/bms/departments/innovation.shtml> MS really hasn't innovated nearly as much as they claim to have done.

We all know htat MS is trying to turn the internet into .net, where only MS platform based MS products can possibly do anything. I don't use a Windows PC. Nor do I use Linux or Macintosh. I use a more obscure platform that just happens to be more suitable to me than these more popular platforms. Do you think I will be allowed on the MS .net? Of course not. Even though there are developers that would be willing to make software to allow my computer access to .net, MS will not allow such distribution of their protocols specifications to such independent small developers, they'll cry "security issues" or something as a loophole to protect their APIs and keep things nicely proprietary and incompatible with anything else. I will be kicked off the internet, as I truely cannot tolerate the horrible Windows user interface (in my personal opinion, which is all that counts as far as my pocketbook is concerned when spending the kind of money that computers cost, I won't pay that much for something I, personally, hate) and gross instability.

MS is trying to get a lot of control over the music recording industry as well. They are trying to get the RIAA to put .wma digitally encoded files on audio CDs as well as the standard audio tracks for stereo equipment. What good does that do me, as I don't use Windows and thus have no .wma player? I will not be able to create my own digitally encoded formats that my platform can play, as the CD is copy protected. Sure, there are copyright issues at hand needing protected, but why not use an industry standard format available to all platforms? Why limit listeners to the Windows platform? Why leave me out? At work I use a Unix (Sun Solaris brand) workstation, so I can't listen to my music there unless I go out and spend \$50 on a cheapo audio-only CD player. Why should I be forced to do that when my old CDs play perfectly well in the workstation's CDROM drive? Microsoft is trying to force people into Windows PCs by lobbying RIAA to adopt their proprietary file format which isn't usable on non-MS computer platforms.

MS isn't just about owning most people computer usage, MS is trying to take over a great deal more than that, and I don't believe that the settlement agreement is enough to contain their borg-ish assimilation of the computer industry and other large portions of the US economy as subdivisions of the current Microsoft conglomerate. I realize that other current events have caused respectable distractions from the MS situation, but it seems like this agreement was hashed together in order to dump the MS trial so the DOJ can concentrate more on other large and of course important issues. I think the MS issue needs to be kept at least on the back burner and not just thrown in the trash heap. Two federal courts have ruled them to have broken antitrust laws, MS requires a bit more than this weak slap on the wrist.

I thank you for your time in reading my concerns with this issue.

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